

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

¹61. In any local area to which ² [the Commissioner] by notification from time to time extends this section or any part thereof, whoever contrary thereto—

- Punishment of certain street offences and nuisances, driving on dark nights without a light ;
- (a) without lawful excuse drives along or keeps standing in any street a vehicle of any description at any time between ³ [half an hour after sunset and half an hour before sunrise] without a sufficient light or lights, except when there is sufficient moonlight to render such light unnecessary ;
- [(b) drives a vehicle of any description along a street and, except in cases of actual necessity or of some sufficient reason for deviation, does not keep on the left side of such street and when passing any other vehicle proceeding in the same direction does not keep on the right side of such vehicle ;] disregarding the rule of the road ;
- (c) leaves in any street insufficiently tended or secured any animal or vehicle ; leaving, cattle, etc., insufficiently tended ;
- (d) causes obstruction, injury, danger or alarm in any street, or mischiefs, by any misbehaviour, negligence or ill-usage in the driving management or care of any animal or vehicle, or by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the district ; causing obstruction or mischief by animals ;
- (e) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public ; exposing animal for hire or sale, etc. ;
- (f) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or to take up or set down pas- any obstruction in a street ;

¹ For extension of s. 61, to certain local areas in certain Districts, see Bombay Local Rules and Orders. For extension of certain clauses of s. 61, to certain local areas and villages in certain Districts,—see *ibid*.

² These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

³ These words were substituted for the words "three-quarters of an hour after sunset and one hour before sunrise" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

⁴ This clause was substituted for the original clause (b), by s. 7 of the Bombay District Police (Amendment) Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

sengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by the Magistrate of the district, by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever causes obstruction ;

obstructing
a footway ;

- (g) causes obstruction on any footway, or danger, alarm, or annoyance by driving, riding or leaving any animal or driving or drawing any vehicle thereupon or fastening any animal so that the same can stand across or upon such footway ;

exhibiting
mimetic,
musical or
other per-
formances,
etc. ;

- (h) exhibits, contrary to any regulation made and notified by the Magistrate of the district, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned ;

gambling
in a street ;

- (i) assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering ;

doing
offensive
acts on
or near
public
streets ;

- (j) slaughters any animal, cleans a carcass or hide, obeys a call of nature or causes a child to do so, or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the District Magistrate or some other person having lawful authority in that behalf), so as to cause annoyance to the neighbouring residents or to passers by ;

letting
loose
horses, etc.,
and suffer-
ing ferocious
dogs
to be at
large ;

- (k) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal ;

bathing or
washing in
places not
set apart
for those
purposes ;

- (l) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the

Magistrate of the district or other person having lawful authority in that behalf ;

- (m) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid ; defiling water in public wells, etc.
 - (n) obstructs or incommodes a person, bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart ; obstructing bathers.
 - (o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house ; behaving indecently in public ;
 - (p) is drunk and incapable of taking care of himself in a street or place of public resort ; being drunk and incapable ;
 - (q) wilfully pushes, presses, hustles, or obstructs any passenger in a street, or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise disturbs the public peace or order ; obstructing or annoying passengers in the street ;
 - (r) uses in any street any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned ; misbehaviour with intent to provoke a breach of the peace ;
 - (s) begs importunately for alms ¹[or directs or permits children under his control to beg for alms] or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street ; begging and exposing offensive ailments.
- shall be punished with fine which may extend to fifty rupees.

²[61A. (1) Where it appears to Government, from the report of the Magistrate of a district or on the representation of a local authority, that in any local area subject to the jurisdiction or control of such Magistrate or authority cattle are habitually allowed to stray and that such cattle trespass on land and damage crops or other produce thereon, Government may by notification direct that the provisions of this section shall have operation in such local area. In such notification Government may direct that this section

¹ These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

² This section was inserted by s. 2 of the Bombay District Police (Amendment) Act, 1918 (Bom. Act 9 of 1918), Vol. V of this Code.

shall apply to cattle generally or to such kind or kinds of cattle as may be specified in the notification, and the provisions of this section shall in such local area be read and construed accordingly. -

(2) In any local area in which this section is in operation, any person who, through neglect or otherwise, fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall be punished with fine which may extend to one hundred rupees or, on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.--Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are effectively restrained by means of a rope or other attachment.

(3) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the ¹Cattle-trespass Act, 1871. ¹ of 1871. All officers of police and all police-patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

(4) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.]

Punishment
for cruelty to
animals.

62. (1) Whoever cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the ²[second] class, unless, such Magistrate be specially invested with jurisdiction for that purpose by Government.

Penalty for
vexatious
search,
arrest, etc.,
by the police.

63. Any police-officer who,--

- (a) without lawful authority or reasonable cause enters or searches or
- causes to be entered or searched any building, vessel, tent or place; or

¹ General Acts, Vol. II.

² This word was substituted for the word "first" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

- (b) vexatiously and unnecessarily seizes the property of any person;
or
- (c) vexatiously and unnecessarily detains, searches or arrests any person; or
- (d) offers any unwarrantable personal violence to any person in his custody;
- (e) holds out any threat or promise not warranted by law to a person accused;

shall for every such offence be punished with imprisonment for a term not exceeding two months or with fine which may extend to five hundred rupees, or both.

64. Any police-officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

Penalty for vexatious delay in forwarding a person arrested.

65. Whoever—

- (a) contravenes any rule made under section 39¹ [or section 39A]
or
- (b) opposes or fails to conform to any direction given by the police under section 53;
- (c) abets the commission of any offence under clause (a) or (b);

shall be punished with fine which may extend to fifty rupees.

Penalty for contravention of rules under section 39 or section 39A or of directions under section 53.

66. Whoever contravenes any rule made under section 40 or any condition of any license granted under the said rules shall be punished with fine which may extend to one hundred rupees.

Penalty for contravening rules, etc., under section 40.

67. Whoever fails to comply with an order made under section 41 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for failure to comply with order under section 41.

68. Whoever—

- (a) disobeys an order lawfully made under section 42, 43 or 44; or
- (b) opposes or fails to conform to any direction given by the police under section 47; or
- (c) opposes or disobeys any rule made or direction given by the police under section 48; or

Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.

¹ These words and figures were inserted by s. 8 of the Bombay District Police Amendment Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

(d) contravenes any condition of a license granted under clause (b) of said section ; or

(e) abets the commission of any offence under clause (a), (b), (c) or (d) ; shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of a regulation made under section 45.

69. Whoever contravenes or abets the contravention of any regulation made under section 45 shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of direction given under section 46.

70. Whoever opposes or disobeys any direction given by a Magistrate of a district or a Sub-Divisional Magistrate under section 46 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 54.

71. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police-officer under section 54, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Jurisdiction when offender is a police-officer above the rank of constable.

72. Offences against this Act, when the accused person or any one of the accused persons is a police-officer above the rank of a constable, shall not be cognizable by a Magistrate below the second class.

Prosecution for certain offences against the Act to be in the discretion of the police.

73. It shall not, except in obedience to a rule or order made by Government or by the Magistrate of the district, be incumbent on the police to prosecute for an offence punishable under section 61, 62, 65, 67, 68, 69 or 70, when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for offences under other enactments not affected by the Act.

74. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Provided that all such cases shall be subject to the provisions of section 403 of the Code of ¹ Criminal Procedure.

X of 1892.

¹ See now Act 5 of 1898, General Acts, Vol. V.